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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,893	11/09/2001	Salah Djelouah	HER0049	4254

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BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

035493

Applicant(s)

S. L. L.

Examiner

Upton

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 111; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit 1724

1. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 lacks antecedent basis for the suction means, and therefore also for the two means.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mourlon et al.

Mourlon discloses an oil slick recovery apparatus having a recovery head with an upper inlet and lower outlet, with a motorized vortex generator, in figures 12 and 13. While these figures do not show a flotation means, floatation means are disclosed in figures 3, 8 and 14-17. It is therefore submitted that it would have been obvious for one skilled in the art to use a float in the embodiments of figures 12 and 13, to support the units in the water.

Art Unit 1724

With respect to claims 5 and 8, it is submitted that figure 13 discloses the vortex generator and suction means controlled by the same motor, and that any motor obviously has a control unit, in the form of at least an on/off switch.

4. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mourlon et al in view of Hans, Schmidt or Stanfield et al.

Claims 2 and 7 differ from Mourlon in recitation of the agitator or the enclosure being adjustable. It is well known to adjust the level of a skimmer, as exemplified by Hans, Schmidt and Stanfield. It would therefore have been obvious for one of ordinary skill in the art to adapt the system of Mourlon to be adjustable, to permit optimization with varying conditions. With respect to claim 2, it is submitted that such adjustment means would adjust the entire system, including the agitator.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mourlon et al in view of Amero et al, Boyd, Schmidt or Hans.

Claim 3 differs from Mourlon in recitation of a funnel shaped enclosure. It is well known to provide a funnel haped skimmer, as exemplified by Amero, Boyd, Schmidt and Hans. It would therefore have been obvious for one of ordinary skill in the art to make the enclosure of Mourlon in a funnel shape, to increase the surface area skimmed.

6. The drawings are objected to because Figure 1 should be labeled "Prior Art." Correction is required.

Art Unit 1724

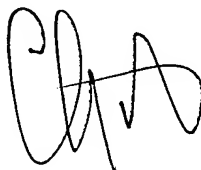
7. The disclosure is objected to because of the following informalities: The disclosure should have section headings.

Appropriate correction is required.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Pichon, Bagnulo, Nebeker, Oxenham, Mori, Jenkins, Jorgensen and Markel.

9. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, appearing to be 'CU' followed by a stylized flourish.

CHRISTOPHER UPTON
PRIMARY EXAMINER